



PACIFIC LEGAL
FOUNDATION

March 8, 2024

The Honorable Judge Glenn T. Suddaby, U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7367
Syracuse, NY 13261-7367

RE: Plaintiff's Request to Withdraw Motion for Preliminary Injunction (*Valencia Ag, LLC v. New York State Office of Cannabis Management, et al.* Case No. 5:24-cv-00116-GTS-TWD)

Dear Judge Suddaby:

Currently pending before the Court is Plaintiff's Motion for Preliminary Injunction, filed on February 7, 2024. ECF No. 9. Counsel for Defendants filed a Notice of Appearance on February 7, 2024, and thus was served Plaintiff's motion via ECF that same day. ECF No. 10. Defendants filed an opposition to Plaintiff's motion on March 5, 2024. ECF No. 30. Plaintiff's reply brief is due on March 12, 2024. ECF No. 12. Oral argument on this motion is scheduled for March 14, 2024. The window for Plaintiff to provide notice to the Court and Defendants of Plaintiff's intent to not pursue its Motion for Preliminary Injunction has passed, pursuant to L.R. 7.1(a)(3). Counsel for Plaintiff, Joshua P. Thompson and David J. Hoffa, filed notices of appearance on February 29, 2024, ECF Nos. 25 and 26 respectively, after the L.R. 7.1(a)(3) window for notice of withdrawal had closed.

Given the timing of Plaintiff's counsels' appearances after the closing of the L.R. 7.1(a)(3) deadline for notice, Plaintiff respectfully requests this Court to allow Plaintiff to withdraw its Motion for Preliminary Injunction, and to remove from the Court's calendar the deadline for Plaintiff to file its reply brief and the scheduled oral argument.

Counsel for Plaintiff emailed counsel for Defendants on March 7, 2024, informing them of Plaintiff's intent to file this letter request. Counsel for Defendants indicated they do not oppose Plaintiff's withdrawal of the preliminary injunction motion.

Respectfully submitted,

/s/ Joshua P. Thompson
JOSHUA P. THOMPSON*
Cal. Bar No. 250955
Pacific Legal Foundation
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
Telephone: (916) 419-7111
jthompson@pacificlegal.org

ROBERT E. PURCELL
N.Y.N.D. No. 510595
The Law Office of Robert E. Purcell, PLLC
211 West Jefferson Street, Suite 24
Syracuse, NY 13202
Telephone: (315) 671-0710
rpurcell@repurcelllaw.com



**PACIFIC LEGAL
FOUNDATION**

DAVID J. HOFFA*
Ariz. Bar No. 038052
Pacific Legal Foundation
3241 E. Shea Blvd., Suite 108
Phoenix, AZ 85028
Telephone: (916) 419-7111
dhoffa@pacificlegal.org

**Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2024, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which is understood to have sent notification of such filing electronically to the following:

Aimee Cowan

New York State Attorney General - Syracuse Regional Office
300 South State Street - Suite 300
Syracuse, NY 13202
315-448-4808
Fax: 315-448-4808
Email: aimee.cowan@ag.ny.gov

Attorney for Defendants

/s/ Joshua P. Thompson
JOSHUA P. THOMPSON*
Cal. Bar No. 250955
Pacific Legal Foundation
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
Telephone: (916) 419-7111
jthompson@pacificlegal.org
**Pro Hac Vice*

Attorney for Plaintiff